IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

CRP.No. 116 of 2007()

AGAINST THE ORDER DATED 15/11/2005 IN EP 19 / 2003 IN LAR.3/1990 of SUB COURT,THODUPUZHA

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REVN. PETITIONER: /JUDGMENT DEBTOR/RESPONDENT

STATE OF KERALA REP. BY DISTRICT COLLECTOR,IDUKKI.

BY GOVERNMENT PLEADER SRI. SHYSON P. MANGUZHA

RESPONDENT:/DECREE HOLDER/CLAIMANT

AYYAPPAN PILLAI,SANKARA PILLAI, NADAVILAEDAKKAPUZHA,KUDAYATHOOR.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON IA 330/07 IN CRP 116/07

DISMISSED.

SD/- M.N.KRISHNAN,JUDGE.

23/10/2007

M.N.Krishnan, J.

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C.R.P.No.116 of 2007

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Dated this the 23rd day of October, 2007.

ORDER

This revision petition is preferred to set aside the order passed in E.P.No.19 of 2003 in L.A.R.No.3 of 1990 of the sub Court, Thodupuzha. A perusal of the grounds of revision would reveal that it is the contention of the Government that the outstanding due to the decree holder is only Rs.424/- and that the court below has failed to look into the dictum laid down in the decision reported in **State of Kerala** v. **Mariyamma** - 2005 (2) K.L.T. 587. As per the order dated 15.11.2005, the judgment debtor's objection was upheld and the decree holder was directed to file proclamation schedule for 1 Are of property. The said 1 Are is the part and parcel of the civil station at Thodupuzha. If really the amount due to the decree holder is only Rs.424/- the sale cannot be confirmed and therefore, I direct the court below to consider what is the real amount due to the decree holder and

if certain amount is still to be deposited after hearing both sides, direction be given to the Government to deposit the same and thereafter consider the question of confirming the sale.

Civil Revision Petition is disposed of and the revision petitioner is directed to appear before the court below on 19.11.2007.

M.N.Krishnan,
Judge.

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